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EXAMINER	
PITARO, RYAN F	

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/038,527	GOTTLIEB ET AL.	
	Examiner	Art Unit	
	Ryan F Pitaro	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 November 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31,43-55 and 65-88* is/are pending in the application.

4a) Of the above claim(s) *43-55* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-31 and 65-88* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *3/17/2003*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-31 and 65-88 have been examined, Claims 32-42, 56-64 have been cancelled, and 43-55 are among those that were non-elected.

Election/Restrictions

Applicant's election without traverse of Group I consisting of claims 1-31 and 65-68 in the reply filed on November 11, 2004 is acknowledged.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 1-31,65-88 are rejected under 35 U.S.C. 101 because the language of the claims raise a question as to whether the claims are directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2-31,66-71,73-77,79-81,83-88 recite the limitations "the invention " in line 1 of each of the previously listed claims. There is insufficient antecedent basis for this limitation in the claim. The preamble should be consistent throughout the claims referring to the method as introduced in their respective independent claims.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-10,13-15,19-26,28-31,65-69,72-74,78-81 are rejected under 35 U.S.C. 102(b) as being anticipated by MacLennan ("MacLennan", US 5,893,105).

As per independent claim 1, MacLennan discloses a method for identifying cells in a path in a flowchart, the method comprising (a) displaying a flowchart comprising a plurality of cells (Figure 1) (b) selecting a cell in the flowchart (Column 5 lines 46-50); (c) determining a path comprising the selected cell (Column 5 lines 46-50); and (d) identifying at least some of the cells in the path (Column 5 lines 52-56).

As per claim 2, which is dependent on claim 1, MacLennan discloses a method wherein (c) comprises determining a last selected path comprising the selected cell (Column 11 lines 17-27;*determines progressed path*).

As per claim 3, which is dependent on claim 1, MacLennan discloses a method wherein (c) comprises determining a most-frequently selected path comprising the selected cell (Column 11 lines 17-27;*determines progressed path*).

As per claim 4, which is dependent on claim 1, MacLennan discloses a method where3in (c) comprises randomly determining a path comprising the selected cell (Column 6 lines 1-5; *wherein all weights are even*).

As per claim 5, which is dependent on claim 1, MacLennan discloses a method wherein (c) comprises semi-randomly determining a path comprising the selected cell (Column 6 lines 1-5;*based on weight*).

As per claim 6, which is dependent on claim 1, MacLennan discloses a method wherein the flowchart comprises a beginning cell and an end cell, and wherein the path determined in (c) comprises the beginning and end cells (Column 11 lines 17-24).

As per claim 7, which is dependent on claim 1, MacLennan discloses a method wherein the flowchart comprises a beginning cell and an end cell, and wherein the path determined n (c) does not comprise at least one of the beginning and end cells (Column 11 lines 22-25; *starting shape and end shape not having to be the first of last cell*).

As per claim 8, which is dependent on claim 1, MacLennan discloses a method wherein the path determined in (c) comprises at least one of a beginning cell and an end cell, and wherein the at least some of the cells identified in (d) comprise the at least one of the beginning and end cells (Column 11 lines 17-24; *wherein all cells in path are included*).

As per claim 9, which is dependent on claim 1, MacLennan discloses a method wherein the path determined in (c) comprises at least one of a beginning cell and an end cell, and wherein the at least some of the cells identified in (d) do not comprise the at least one of the beginning and end cells (Column 11 lines 22-25).

As per claim 10, which is dependent on claim 1, MacLennan discloses a method wherein the at least some of the cells are identified in (d) by displaying the at least some of the cells differently from other cells in the flowchart (Column 3 lines 44-49).

As per claim 13, which is dependent on claim 1, MacLennan discloses a method wherein (d) comprises identifying at least four cells in the path (Column 11 lines 17-24).

As per claim 14, which is dependent on claim 1, MacLennan discloses a method wherein (d) comprises identifying all of the cells in the path (Column 11 lines 17-24).

As per claim 15, which is dependent on claim 1, MacLennan discloses a method wherein the at least some of the cells are identified in (d) by highlighting the at least some of the cells in the flowchart (Column 3 lines 44-50).

As per claim 19, which is dependent on claim 1, MacLennan discloses a method wherein (b) comprises selecting only a single cell in the flowchart (Column 11 lines 57-61).

As per claim 20, which is dependent on claim 1, MacLennan discloses a method further comprising selecting at least one additional cell in the flowchart and wherein (c) comprises determining a path comprising the selected cell and the. at least one additional cell (Column 5 lines 46-49).

As per claim 21, which is dependent on claim 1, MacLennan discloses a method wherein the selected cell comprises a master cell, and wherein (c) comprises determining a path between the master cell and the at least one additional cell (Column 5 lines 5-10,46-49).

As per claim 22, which is dependent on claim 1, MacLennan discloses a method further comprising: determining N additional paths comprising the selected cell; and identifying at least some of the cells in each of the N additional path(s) (Column 11 lines 17-27).

As per claim 23, which is dependent on claim 1, MacLennan discloses a method wherein the first-mentioned path and the N additional path(s) comprise the last N+1 selected paths comprising the selected cell (Column 11 lines 17-27; *a list of paths, which have been progressed*).

As per claim 24, which is dependent on claim 1, MacLennan discloses a method further comprising (e) selecting an additional cell in the flowchart (Column 11 lines 22-26; *ending shape*) (f) determining a path comprising the selected additional cell (Column 11 lines 20-21; and (g) identifying at least some of the cells in the path determined in (f) along with the at least some of the cells in the path determined in (d) (Column 11 lines 17-20; shapes).

As per claim 25, which is dependent on claim 1, MacLennan discloses a method wherein (c) comprises determining a plurality of paths comprising the selected cell, wherein the invention further comprises selecting one of the plurality of determined paths and wherein (d) comprises identifying at least some of the cells in the selected

one of the plurality of determined paths (Column 11 lines 17-27; *list of paths, list of shapes for each entity*).

As per claim 26, which is dependent on claim 1, MacLennan discloses a method wherein the plurality of paths comprises every path comprising the selected cell (Column 11 lines 17-27; *list of paths, list of shapes for each entity*).

As per claim 28, which is dependent on claim 1, MacLennan discloses a method wherein at least one of the plurality of cells comprises an instruction to trigger a piece of media (Column 4 lines 2-6).

As per claim 29, which is dependent on claim 1, MacLennan discloses a method wherein at least one of the plurality of cells comprises an instruction to gather user input (Column 3 lines 59-61).

As per claim 30, which is dependent on claim 1, MacLennan discloses a method wherein at least one of the plurality of cells comprises an instruction to process data (Column 4 lines 8-11).

As per claim 31, which is dependent on claim 1, MacLennan discloses a method further comprising playing the flowchart, wherein the cell selected in (b) comprises a cell selected by a user during the playing of the flowchart, and wherein the path determined in (c) comprises the path that was traversed during the playing of the flowchart (Column 14 lines 5-11).

As per claim 65, MacLennan discloses a method for identifying cells in a path in a flowchart, the method comprising: (a) displaying a flowchart comprising a plurality of cells, wherein the plurality of cells define a plurality of paths (Figure 1); (b) receiving,

from a user, a selection of a single cell in the flowchart (Column 5 lines 46-50); (c) in response to the selection of the single cell in the flowchart, determining a path comprising the single cell (Column 5 lines 46-50); and (d) identifying, to the user, at least some of the cells in the path determined in (c) (Column 5 lines 52-56).

As per claim 66, which is dependent on claim 65, MacLennan discloses a method wherein the user selects the single cell by positioning a pointer over the single cell (Column 8 lines 62-67).

As per claim 67, which is dependent on claim 65, MacLennan discloses a method wherein the path is determined in (c) based on the history of the single cell and the history of cells above and below it, if any, in succession (Column 5 lines 61-65;*according to other operations executed using flowcharts*).

As per claim 68, which is dependent on claim 65, MacLennan discloses a method wherein (c) comprises, starting with the single cell being a given cell: (c1) determining which cell directly connected to the given cell was in a determined path the last time the given cell was in a determined path (Column 5 lines 61-65); and (c2) repeating (c1) with the given cell being the cell determined in (c1) (Column 6 lines 5-11).

As per claim 69, which is dependent on claim 65, MacLennan discloses a method wherein the at least some of the cells are identified in (d) by displaying the at least some of the cells differently from other cells in the flowchart (Column 3 lines 44-49).

Claim 72 is similar in scope to that of claim 65 and is therefore rejected under similar rationale.

Claim 75 is similar in scope to that of claim 69 and is therefore rejected under similar rationale.

Claims 74 and 79 are individually similar in scope to that of claim 66 and are therefore rejected under similar rationale.

Claim 80 is similar in scope to that of claim 67 and is therefore rejected under similar rationale.

Claims 73,78, and 81 are individually similar in scope to that of claim 68 and are therefore rejected under similar rationale.

6. Claims 82-85 are rejected under 35 U.S.C. 102(b) as being anticipated by allClear ("allClear", Information Disclosure Statement).

As per independent claim 82, allClear discloses a method for building a flowchart along a single path, the method comprising:(a) displaying a flowchart in a first display region, wherein the flowchart comprises a plurality of cells defining a plurality of paths (Figure 6 item 20);(b) displaying a textual view of cells along a single path in the flowchart in a second display region, wherein a textual view of cells not along the single path in the flowchart are not displayed in the second display region (Figure 6 item 25); and (c) in response to input received in the second display region, applying the input to the first display region (Page 3 lines 12-20).

As per claim 83, which is dependent on claim 82, allClear discloses a method wherein (c) comprises in response to adding new text in the second display region, creating a new cell in the flowchart in the first display region (Page 3 lines 15-18).

As per claim 84, which is dependent on claim 82, allClear discloses a method wherein (c) comprises in response to deleting existing text in the second display region, deleting a corresponding existing cell in the flowchart in the first display region (Page 4 lines 15-20; *wherein simultaneously working windows will mimic each others actions*).

As per claim 85, which is dependent on claim 82, allClear discloses a method wherein (c) comprises in response to modifying existing text in the second display region, modifying a corresponding existing cell in the flowchart in the first display region (Page 4 lines 15-20).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 11,70,76 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacLennan ("MacLennan", US 5,893,105) in view of allClear ("allClear", Information Disclosure Statement).

As per claim 11, which is dependent on claim 1, MacLennan fails to distinctly point out a second display region for viewing cells. However, allClear teaches a method wherein the flowchart is displayed in a first display region, and wherein the at least some of the cells are identified in (d) by displaying a textual view of the at least some of the cells in a second display region (Figure 6). Therefore it would have been obvious to

an artisan at the time of the invention to combine the method of MacLennan with the teaching of allClear. Motivation to do so would have been to display to the user an easy, readable, less confusing way of viewing the flowchart.

Claims 70 and 76 are individually similar in scope to that of claim 69 and are therefore rejected under similar rationale.

9. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacLennan ("MacLennan", US 5,893,105) in view of Tiongson et al ("Tiongson", US 6,816,174).

As per claim 16, which is dependent on claim 1, MacLennan fails to distinctly point out enlarging some of the cells in the flowchart. However, Tiongson teaches the enlargement of some of the cells (Figure 8). Therefore it would have been obvious to an artisan at the time of the invention to combine the method of MacLennan with the teaching of Tiongson. Motivation to do so would have been to display to the user an easy, readable, less confusing way of viewing the flowchart.

As per claim 17, which is dependent on claim 1, MacLennan-Tiongson discloses a method wherein the at least some of the cells are identified in (d) by enlarging and aligning the at least some of the cells in the flowchart (Tiongson, Figure 5B).

As per claim 18, which is dependent on claim 1, MacLennan-Tiongson discloses a method wherein the at least some of the cells are identified in (d) by enlarging and aligning the at least some of the cells in the flowchart (Tiongson, Figure 5B).

10. Claims 12,71,77 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacLennan ("MacLennan", US 5,893,105) in view of Logan, III et al ("Logan", US 6,243,857).

As per claim 12, MacLennan fails to distinctly point out displaying a copy of the flowchart in a second display region. However, Logan teaches wherein the flowchart is displayed in a First display region, and wherein the at least some of the cells are identified in (d) by displaying a copy of the at least some of the cells is a second display region (Figure 7). Therefore it would have been obvious to an artisan at the time of the invention to combine the method of MacLennan with the teaching of Logan. Motivation to do so would have been to display to the user a consistent way of viewing the flowchart.

As per claim 71, MacLennan fails to distinctly point out displaying a copy of the flowchart in a second display region minus some cells. However, Logan teaches a method wherein the flowchart is displayed in a first display region, and wherein the at least some of the cells are identified to the user in (d) by displaying a copy of the at least some of the cells, but not of other cells in the flowchart, in a second display region (Column 8 lines 1-6; *showing different portions of the flowchart*). Therefore it would have been obvious to an artisan at the time of the invention to combine the method of MacLennan with the teaching of Logan. Motivation to do so would have been to display to the user an easy, less cluttered way of viewing the flowchart.

Claim 77 is similar in scope to that of claim 71 and is therefore rejected under similar rationale.

11. Claim 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacLennan ("MacLennan", US 5,893,105) in view of Quality America ("Quality America", Flowchart/Cause & Effect Features).

As per claim 27, which is dependent on claim 1, MacLennan fails to distinctly point displaying a textual view of cells that fan-in and fan-out. However, Quality America teaches a method further comprising displaying a textual view of cells that fan-in and fan-out of the selected cell (Figure 2) a second display region (Column 8 lines 1-6; *showing different portions of the flowchart*). Therefore it would have been obvious to an artisan at the time of the invention to combine the method of MacLennan with the teaching of Quality America. Motivation to do so would have been to display to the user an easy, less cluttered way of viewing the flowchart.

12. Claims 86-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over allClear ("allClear", Information Disclosure Statement) in view of MacLennan ("MacLennan", US 5,893,105).

As per claim 86, which is dependent on claim 82, allClear fails to distinctly point out determining a path in response to the selection of a cell. However, MacLennan teaches a method comprising determining the single path in response to receiving, from a user, a selection of a single cell in the flowchart (Column 5 lines 46-50). Therefore it would have been obvious to an artisan at the time of the invention to combine the method of allClear with the teaching of MacLennan. Motivation to do so would have been to be able to add focus to a path that may be taken instead of all possible paths, eliminating time and effort.

As per claim 87, which is dependent on claim 82, allClear-MacLennan discloses a method comprising determining the single path based on the history of a selected cell and the history of cells above and below it, if any in succession (Column 5 lines 61-65).

As per claim 88, which is dependent on claim 82, allClear fails to distinctly point out determining the single path. However, MacLennan teaches (i) determining which cell directly connected to the given cell was in a determined path the last time the given cell was in a determined path; and repeating (i) with the given cell being the cell determined in (i) (Column 5 lines 62-65). Therefore it would have been obvious to an artisan at the time of the invention to combine the method of allClear with the teaching of MacLennan. Motivation to do so would have been to be able to add focus to a path that may be taken instead of all possible paths, eliminating time and effort.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached on 7:00am - 4:30pm Monday through Thursday and on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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